IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

CRL.A.No. 222 of 2001()

CC.131/1995 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM

.....

APPELLANT:

N.RADHAKRISHNA PILLAI,
KOLLAKA PATHRA VEEDU,
PANPETTY, PORUVAZHI P.O.,
KOLLAM.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:

---

1. C.RAJENDRAN NAIR,
KUREEPUZHACHERRY,
KAVANAD P.O.,
KOLLAM.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.A.No.222 of 2001(B)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 23rd day of October, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.131/1995 in the file of the Judicial Magistrate of the First Class-II, Kollam, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 27/11/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

Sd/-
K.R.UDAYABHANU,
Judge

ms

\\True Copy//

P.A.to Judge